

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Bail Appl..No. 1589 of 2007

CMP.65/2007 of SPL. COURT (NDPS ACT CASES), VADAKARA
O.R.4/2006 OF NARCOTIC CONTROL BUREAU, TRIVANDRUM
.....

PETITIONER/2ND ACCUSED

AVARU VADAKKAN @ HAROON,S/O.KUNHALAVI,
VADAKKAN HOUSE,OPP.ARYA VAIDHYA SALA,KOTTAKKAL,
MALAPPURAM.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: RESPONDENTS/COMPLAINANT/STATE

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1. NARCOTIC CONTROL BUREAU,
THIRUVANANTHAPURAM.
 2. STATE REP.BY PUBLIC PROSECUTOR,HIGH
COURT OF KEALA,ERNAKULAM.

BY SPL.PUBLIC PROSECUTOR SRI.C.P.UDAYABHANU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1589/2007

Dated this 20th day of March, 2007

O R D E R

The petitioner, who is the second accused in O.R.No.4/2006 of Narcotic Control Bureau, Thiruvananthapuram, for offences punishable under Sections 21 (c), 27-A, 28 and 29 of the N.D.P.S Act read with Section 8(c) of the said Act, seeks his enlargement on bail. He was arrested on 16.10.2006.

2. The learned Special Public Prosecutor, Sri. C.P. Udayabhanu for NCB, opposed the application.

3. The case of the prosecution is that the first accused, who is a dealer in trafficking narcotic drugs, was staying in a room in Panakkad Tourist Home, Kottakkal from where 630 grams of heroine intended for sale to the second accused, the petitioner herein, was seized by the officials of the Narcotic Control Bureau going on a jeep. According to the prosecution, the petitioner was an intending purchaser of the narcotic drugs from the first accused, who was staying in the said Tourist Home. However, the case of the prosecution is that the first accused had procured the article from Moradabad in Uttar Pradesh.

4. It is too early to consider the contention of the petitioner based on the non compliance of Section 42(2) of the N.D.P.S Act. That is a matter which the petitioner can profitably raise during the trial of the case.

5. I am not satisfied that both the grounds enumerated under Section 37(1)(b)(ii) of the N.D.P.S Act are present in this case so as to justify the release of the petitioner on bail.

This Application is accordingly dismissed.

**V.RAMKUMAR,
JUDGE**

mrCS

